

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PABLO CARBO-CISNEROS,)	
)	CIVIL NO. 3:23-cv-05589-RSM
Plaintiff,)	
)	ORDER
vs.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant)	
)	

This matter comes before the Court on the party's motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on December 21, 2023, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 Having thoroughly considered the party's briefing and the relevant record, the Court hereby
2 GRANTS the motion and awards Plaintiff \$3,522.52 in attorney's fees, subject to any offset
3 allowed under the Treasury Offset Program. *See. Astrue v. Ratliff*, 560 U.S. 586, 589 – 590 (2010).
4 Payment of EAJA fees shall be sent to Plaintiff's attorney by either EFT or check: David Oliver at
5 David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409. Pursuant to
6 *Ratliff*, award shall be payable to Plaintiff's attorneys, David Oliver at David Oliver & Associates,
7 if the Commissioner confirms that Plaintiff owes no debt to the Government through the Federal
8 Treasury Offset program.

9 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED.

10 DATED this 3rd day of May, 2024.

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13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE
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